

HOUSE No. 3544

The Commonwealth of Massachusetts

PRESENTED BY:

Vincent A. Pedone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act To Improve The Law For The Pricing Of Grocery And Retail Items.

PETITION OF:

NAME:

Vincent A. Pedone

DISTRICT/ADDRESS:

15th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO IMPROVE THE LAW FOR THE PRICING OF GROCERY AND RETAIL ITEMS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 184B of chapter 94 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:

“Food department”, any seller other than a food store with any grocery item section, area, or display and which sells two hundred or more different food items for consumption off the seller’s premises at least in part to individuals for their own personal, family, or household use; provided, however, that any food section which is within a larger business and is the functional equivalent of a supermarket with its own separate checkout, may be deemed a food store by the director of standards.

SECTION 2. Section 184C of said Chapter 94, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:

The following classes of items are exempt from the price marking requirement of this section and any other law or regulation regarding item-pricing; provided, however, that the cashier can readily discern the price of the exempted item, that no exempted item is marked with an incorrect price, and that a clear and conspicuous separate sign, or a single sign in the case of similar items all priced the same, larger than the seller’s regular unit price label with the price no smaller than one inch high, is placed at the point of display of each exempted item containing the name of the item, the correct price, and, if appropriate, the size or other distinguishing information:

18 SECTION 3. Section 184C of said Chapter 94, as so appearing, is hereby further amended by
19 adding at the end of such section the following paragraph:

20 (12) items other than grocery items, which, because of their bulk or weight, a reasonable
21 consumer would be expected to seek customer assistance in purchasing.

22 SECTION 4. Section 184E of said Chapter 94, as so appearing, is hereby amended by striking
23 out the seventh paragraph and inserting in place thereof the following paragraph:

24 Except for those items exempted by Section 184C (12) this section and sections one
25 hundred and eighty-four B to one hundred and eighty-four D, inclusive, shall only apply to food
26 stores and to grocery items in food departments. Except as herein provided, said sections shall
27 not diminish any obligations under other laws or regulations regarding item pricing for sellers
28 other than food stores or for items other than grocery items in food departments. The director of
29 standards shall not issue a fine pursuant to this section and said sections one hundred and eighty-
30 four B to one hundred and eighty-four D, inclusive, and section fifty-six D of chapter ninety-
31 eight for the same violation. Where a seller is also subject to the item pricing regulations or
32 guidelines of another agency, in cases where a specified number of items is allowed to be
33 exempted under two similar exceptions to the requirement of item pricing, such similar
34 provisions shall not be additive. Compliance with another agency's regulations or guidelines
35 which differ from said sections or any regulations issued hereunder by the director of standards
36 shall not be a defense to a violation of said section or any regulations promulgated hereunder.